

1952

# CHIROPRACTORS

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a ruling of the State Supreme Court in 1917 declared the charter provision for boroughs in conflict with the State Constitution. The present amendment will resolve that conflict by changing the Constitution to permit portions of cities to organize into boroughs.

The basic argument for this amendment is that home rule cities should be allowed to adopt internal organization of their own choosing.

The case for dividing a particular city into boroughs will have to be made by those who understand the local situation. Some of our larger cities might choose to set up boroughs in order to help (1) Restore to the citizen a sense of belonging that has been lost in large cities with remote governments; (2) Permit the people of a community to develop and pay for services especially suited to their outlook and needs; (3) Combine the efficiency of unity in the general city-wide services with the beneficial effects of local home rule; and (4) Provide a laboratory for civic training in a unit small enough for the citizen to know.

The establishment of borough governments exercising jurisdiction over purely local matters would extend adequate representation to all. Many activities, important to only one district within the city, could be effectively administered by the boroughs. Local

improvements might be easier to secure if the only alternatives were not so frequently either payment of all costs by special assessment of abutting property owners or the shouldering of the cost of the entire project by the city.

Another important advantage of such a two-layer arrangement would be the relief of the central body from the consideration of multitudinous petty matters that do not concern the city as a whole. More time would be available to city councilmen for the consideration of problems of metropolitan importance. Community interest in civic affairs would greatly increase with the responsibility for local affairs centered within easy reach of the average citizen. Local autonomy and community spirit go hand in hand, and both are integral parts of a democratic system. Many complaints which would have to be taken downtown under the present system could be dealt with promptly at the borough level to the increased satisfaction of the individuals concerned.

Before these advantages can be made available to any city, constitutional restrictions must be removed.

**VOTE "YES" ON PROPOSITION NO. 16.**

**VINCENT THOMAS**  
Assemblyman, 68th District

**CHIROPRACTORS. Amendment of Chiropractic Initiative Act, Submitted by Legislature.** Increases Board of Chiropractic Examiners from five members to seven. Increases per diem of board members. Authorizes suspension or revocation of chiropractic licenses for described types of unprofessional conduct, such as employment of unlicensed or suspended practitioner in treating the sick, procurement of abortions, untrue or misleading advertising, payment for procuring patients, wilful neglect of patients. Requires chiropractors annually to take 16 hours of postgraduate study as condition of license renewal. Exempts chiropractors in armed forces from payment of license renewal fees.

**YES**

**NO**

(For Full Text of Measure, See Page 22, Part II)

#### Analysis by the Legislative Counsel

This measure submits to the voters for approval or rejection amendments made by Chapter 1650 of the Statutes of 1951 to the Chiropractic Initiative Act of 1922, providing for the organization of the Board of Chiropractic Examiners and for educational and licensing requirements for the practice of chiropractic in this State, which amendments may be summarized as follows:

The measure increases membership of the State Board of Chiropractic Examiners from five to seven members, and increases the vote necessary to carry motions or resolutions, to adopt rules, or to issue licenses from affirmative vote by three members to affirmative vote by four members.

It eliminates the provision precluding any two persons whose first diplomas were issued by the same chiropractic school from being members of the board at the same time. It also increases per diem for members of the board while engaged in official duties from \$10 to \$30.

It repeals the provision providing for the granting of licenses to graduates of chiropractic schools practicing chiropractic at the effective date of the Chiropractic Act, and those graduates who meet prescribed educational requirements prior to January 1, 1922, if application for the license is made within six months of the effective date of the Chiropractic Act, which is December 21, 1922.

The measure adds as a ground for suspension or revocation of a license or for refusal to grant a license any act which constitutes unprofessional conduct. Unprofessional conduct is defined as the procuring, aiding or abetting in the procuring, of criminal abortion; paying for steering patients into one's office; obtaining a fee or assurance that a manifestly incurable disease can be made entirely well; wilful betrayal of professional secrets of a patient to his detriment; chiropractic advertising which is untrue or misleading; conviction of an offense involving moral turpitude; or wilful neglect of a patient in a critical condition.

The measure further defines as unprofessional conduct the employing, directly or indirectly, of a suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or aiding or abetting any unlicensed person to practice any system or mode of treating the sick or afflicted.

It requires that licenses be renewed annually, the issuance of such renewal licenses to be contingent upon submission of evidence satisfactory to the board that the applicant has completed at least 16 hours of postgraduate studies within the previous year.

It increases the fee required of a licentiate who fails, refuses, or neglects to pay the annual renewal fee for 60 days after January 1 of each year from \$10 to \$25, but exempts any licentiate serving in the United States armed forces from payment of the renewal fee during his period of service and for one year thereafter.

It increases the fine for certain acts declared to be a misdemeanor by the Chiropractic Act from not less than \$50 nor more than \$200 to not less than \$200 nor more than \$600.

#### Argument in Favor of Amendment of Initiative Act

This proposed amendment to the act creating the State Board of Chiropractic Examiners and regulating the practice of chiropractic will make the desired changes set forth in the preceding analysis by the Legislative Counsel. These changes are necessary to meet problems which have developed with the growth of the State and the profession since the original enactment of the Chiropractic Act.

This proposed amendment will in no way involve additional cost to the general taxpayer in that the administration of the Act is self-supporting from within the profession.

This proposed amendment has the whole-hearted support of members of the profession. It is an amendment proposed by the Legislature without a dissenting vote or other opposition and has been approved by the Governor.

Vote "YES"!

DONALD L. GRUNSKY

Assemblyman, Santa Cruz and San Benito Counties

#### Argument Against Amendment of Initiative Act

The proposed amendment to the chiropractic act is a "featherbedding" act to create a seven-man Board instead of the present five-man Board. The two extra positions do not in any way provide the Board with a more efficient executive capacity. It merely increases the expense of the Board personnel. Also a 200% increase in the per diem expense of the Board is asked. Proposedly the act would allow that ALL members of the Board could be selected from any ONE school, instead of the wise provision in our present act, that prevents discrimination against ANY college by allowing only ONE to be appointed from any given college. Designedly, the proposition provides for 16 hours of post graduate studies "upon submission of evidence satisfactory to the Board." No legal or professional standard whatever is provided. What a patronage "plum" would be provided the Board, especially if a

majority were from ONE school. With approximately 6,000 licentiates in this State at \$20.00 per post graduate course contingent "upon evidence satisfactory to the Board," that would mean a \$120,000 "plum" to go to the "approved" school yearly. It would be childish to think such a proposal would be in good faith. Compulsory post graduate courses have been tried before and have been discarded in other States as well as ours. The Osteopathic Board required a 30 hour educational course to renew their licenses from January 1, 1942. This was repealed as of August 4, 1943. The Chiropracticists had the 30 hour educational requirement effective September 15, 1945. This was repealed September 19, 1947.

Why repeat failure methods? Purportedly the proposition seems to exempt the man serving his country in the armed forces from his renewal fee . . . but it does not exempt him from the 16 hours of an "approved" course. He loses his license to practice because the 16 hour course is mandatory.

The State of California now grants to ALL health professions the right to practice their profession upon recognized qualification. This amendment would jeopardize his license to practice every year unless he submitted to compulsory directed thought imposed by the Board. This inadvertent act would imply that a doctor learns nothing by experience but must have compulsory directed education every year, especially for a financial consideration. This incredible act provides for suspension or revocation in such a way that the Board may deem any statement made by a chiropractor as "unprofessional conduct" and any of these actions of the Board may be committed without provision in the proposed amendment for any recourse in a Court of Law for review of the Board's action. One section has it that "any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor." Failure to go back to an "approved" school is certainly a violation of the act. Our present Board is an executive Board, let us not turn it into a dictatorial one.

VOTE NO on No. 16.

HOMER YORK, D.C.

President Chiropractic Institute of California, California State Representative International Chiropractors Assn.

**18 COMMUNITY REDEVELOPMENT PROJECTS.** Assembly Constitutional Amendment No. 55. Adds Section 19 to Article XIII of Constitution. Authorizes financing cost of redevelopment project from portion of revenue derived from taxes on taxable property within project. Provides that taxing agencies shall continue to receive tax revenues based on assessed value of such property at time of approval of redevelopment plan. Authorizes and validates laws permitting use of additional tax revenue, based on later increases in assessed value, for payment of bonds or other obligations of the redevelopment agency and permitting the agency to pledge such income as security for its obligations.

YES

NO

(For Full Text of Measure, See Page 24, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment declares subject to taxation all property in a community redevelopment project established under the Community Redevelopment Law (Section 33000 and following, Health and Safety Code), except that exempt from taxation by reason of public ownership.

It would authorize the Legislature to provide for the inclusion in a redevelopment plan of a provision for

the division of taxes collected on property in a project as follows: to each public agency levying taxes, an amount equal to that which would be produced on an application of the agency's tax rate to the assessed value of the property prior to the redevelopment; the excess to a special fund of the redevelopment agency to pay the interest and principal on any debts incurred by the agency in financing or refinancing the project. It would empower the Legislature to provide for the

proved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter.

(j) In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the largest number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby, into boroughs or districts, and to provide that each such

establishment of a borough system of government for the whole or any part of the territory of the city or city and county governed thereby, by which one or more boroughs or districts may be created therein and to provide that each borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district boroughs and districts in the charter of the city or city and county.

(k) The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

**CHIROPRACTORS. Amendment of Chiropractic Initiative Act, Submitted by Legislature.** Increases Board of Chiropractic Examiners from five members to seven. Increases per diem of board members. Authorizes suspension or revocation of chiropractic licenses for described types of unprofessional conduct, such as employment of unlicensed or suspended practitioner in treating the sick, procurement of abortions, untrue or misleading advertising, payment for procuring patients, wilful neglect of patients. Requires chiropractors annually to take 16 hours of postgraduate study as condition of license renewal. Exempts chiropractors in armed forces from payment of license renewal fees.

YES

NO

(This proposed law expressly amends provisions of existing law; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

Section 1. A board is hereby created to be known as the "State Board of Chiropractic Examiners," hereinafter referred to as the board, which shall consist of ~~five~~ **seven** members, citizens of the State of California, appointed by the Governor. Each member must have pursued a resident course in a regularly incorporated chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member of the board first appointed hereunder shall have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect, thereafter appointees shall be licentiates hereunder. No more than two persons shall serve simultaneously as members of said board; ~~whose first diplomas were issued by the same school or college of chiropractic; nor shall more than two members be who are residents of any one county of the State. And no person connected with any chiropractic school or college shall be eligible to appointment as a member of the board. Each member of the board, except the secretary, shall receive a per diem of ten dollars thirty dollars (\$30) for each day during which he is actually engaged in the dis-~~

charge of his duties, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, such per diem, traveling expenses and other incidental expenses of the board or of its members to be paid out of the funds of the board hereinafter defined and not from the State's taxes.

Sec. 2. Within 60 days of the date upon which ~~this act~~ **the latest amendment to this section** takes effect, the Governor shall appoint ~~the two additional~~ members of the board. Of the members ~~first so~~ appointed, one shall be appointed for a term of ~~one year, two for two years, and two for three years, expiring February 10, 1954, and the other for a term expiring February 10, 1955.~~ **the terms with respect to members of the board, which terms are in existence on the date the latest amendment to this section takes effect, shall expire as if this section had not been amended, that is, two on February 10, 1953, one on February 10, 1954, and two on February 10, 1955.** Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified. The Governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

Sec. 3. The board shall ~~convene within 30 days after the appointment of its members, and shall organize by the election of a president, and a vice presi-~~



dent to be chosen from the members of the board, and a secretary, who may, but need not be a member of the board. The board shall fix the salary of the secretary, with the approval of the Director of Finance. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three four members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this act. The secretary shall receive a salary to be fixed by the board, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the State in such sum with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the Governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Sec. 8. Any person who shall have practiced chiropractic for two years after graduation from a chiropractic school or college, one year of which shall have been in this state preceding the date upon which this act takes effect; or any person who graduated from a chiropractic school or college prior to January 1, 1922; and who shall present to the board satisfactory proof of good moral character and having pursued a resident course of not less than two thousand hours in a legally incorporated chiropractic school or college; shall be given a practical and clinical examination in chiropractic philosophy and practice; and if he, or she, make a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; provided, however, that application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay to the secretary of the board the sum of twenty-five dollars.

Sec. 10. (a) The board shall refuse to grant, or may suspend or revoke, a license to practice chiropractic in this State upon any of the following grounds, to wit: the employment of fraud or deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose services he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being

in the service of any person, company or association so advertising; or any other act which constitutes unprofessional conduct. The proceedings for the refusal to grant, suspension or revocation of suspend or revoke a license upon any of the foregoing grounds shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the \_\_\_\_\_ day of \_\_\_\_\_," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, re-issue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars (\$25) upon the issuance of a new license.

(c) All licenses granted under this act shall be renewed annually. The issuance of such renewal licenses shall be contingent upon submission of evidence satisfactory to the board, of the applicant having completed at least 16 hours of postgraduate studies within the previous year.

Sec. 10.5. The employing directly or indirectly of any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice any system or mode of treating the sick or afflicted, constitutes unprofessional conduct within the meaning of this chapter.

Unprofessional conduct as used in this act is defined as follows:

(a) The procuring, aiding or abetting in the procuring of criminal abortion; the paying for steering patients into one's office; obtaining a fee on the assurance that a manifestly incurable disease can be made entirely well; the wilful betrayal of professional secrets of a patient to the detriment of such patient; chiropractic advertising which is untrue or misleading; conviction of any offense involving moral turpitude; wilful neglect of a patient in a critical condition.

Sec. 12. Each person practicing chiropractic within this State shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said Board of Chiropractic Examiners a renewal fee of not less than two dollars (\$2) nor more than ten dollars (\$10) as may be set by the board. The secretary shall, on or before November 1st of each year, mail to all licensed chiropractors in this State a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to

require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay said annual fee during the time his or her license remains in force shall, after a period of 60 days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the said board of a fee of ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)**, except that such licensee who fails, refuses or neglects to pay such annual tax within a period of 60 days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

Any licensee serving in the armed forces of the United States shall be exempt from payment of the renewal fee during such period of service and for one year thereafter.

Sec. 15. Any person who shall practice or attempt to practice chiropractic, or any person who shall buy,

sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "chiropractor" or "D.C." or any word or title to induce, or tending to induce belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act; or any licensee under this act who uses the word "doctor" or the prefix "Dr." without the word "chiropractor," or "D.C." immediately following his name, or the use of the letters "M.D." or the words "doctor of medicine," or the term "surgeon," or the term "physician," or the word "osteopath," or the letters "D.O." or any other letters, prefixes or suffixes, the use of which would indicate that he or she was practicing a profession for which he held no license from the State of California, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ~~forty~~ **two hundred** dollars (\$200) and not more than ~~two~~ **six** hundred dollars (\$600), or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or both.

**18** **COMMUNITY REDEVELOPMENT PROJECTS.** Assembly Constitutional Amendment No. 55. Adds Section 19 to Article XIII of Constitution. Authorizes financing cost of redevelopment project from portion of revenue derived from taxes on taxable property within project. Provides that taxing agencies shall continue to receive tax revenues based on assessed value of such property at time of approval of redevelopment plan. Authorizes and validates laws permitting use of additional tax revenue, based on later increases in assessed value, for payment of bonds or other obligations of the redevelopment agency and permitting the agency to pledge such income as security for its obligations.

YES

NO

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO THE CONSTITUTION

**Sec. 19.** All property in a redevelopment project established under the Community Redevelopment Law Act as now existing or hereafter amended, except publicly owned property not subject to taxation by reason of such ownership, shall be taxed in proportion to its value as provided in Section 1 of this article, and such taxes (the word "taxes" as used herein shall include, but shall not be limited to, all levies on an ad valorem basis upon land or real property) shall be levied and collected as other taxes are levied and collected by the respective taxing agencies.

The Legislature may provide that any redevelopment plan may contain a provision that the taxes, if any, so levied upon such taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each

year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to, and when collected shall be paid into, the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(b) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project